

CHAPTER 7

AIRPORT HEIGHT ZONING OF SCOTT COUNTY/DAVENPORT AIRPORT

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SEC. 7-1. TITLE

This Chapter shall be known and may be cited as the "Airport Height Ordinance of Scott County/Davenport Airport."

SEC. 7-2. CONFLICTING REGULATIONS

As established by Chapter 329 of the 1989 Code of Iowa, entitled "Airport Zoning," as the same may be amended from time to time, in the event of any conflict between this Chapter and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SEC. 7-3. DEFINITIONS

Unless otherwise expressly stated, or the content clearly indicates a different intention, the following terms shall, for the purposes of this Chapter, have the meanings of this Chapter.

Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and the word "may" is permissive.

A. "Airport" means the Davenport Municipal Airport, Davenport, Iowa, an area set aside for the landing and take-off of aircraft.

B. "Airport Elevation" means the highest point of the Davenport Municipal Airport's usable landing area measured in feet above sea level; which elevation is established to be seven hundred and fifty-three 753 feet.

C. "Airport Hazard" means any structure or tree or use of land

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which exceeds the limiting heights in this Chapter.

- D. "Airport Hazard Area" means any area of land or water upon which an airport hazard might be established if not prevented by this Chapter.
- E. "Nonconforming Use" means any structure, tree or use of land existing on the effective date of this Chapter which is inconsistent with this Chapter.
- F. "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- G. "Primary Surface" means an area longitudinally centered on a runway and extending two hundred (200) feet beyond each end of each runway. The width of the primary surface is one thousand (1,000) feet for Runway fifteen through thirty-three (15-33) and five hundred (500) feet for Runway three through twenty-one (3-21). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The runway shall mean the future runway(s) as shown in the Davenport Airport Master Plan.
- H. "Structure" means any object constructed or installed by man, including, but without limitation, mobile objects, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.
- I. "Tree" means any object of natural growth.
- J. "Zone" means a portion of the airport hazard area.

SEC. 7-4 ZONES AND HEIGHT LIMITATIONS

- A. There is hereby established an airport hazard area composed of the approach, conical, horizontal, and transitional zones, each having specific height limitations for structures and trees.
- B. The boundaries of the airport hazard area and its zones are shown on the Davenport Municipal Airport Height Zoning Map which is made a part of this Chapter. The map and all the notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the map and all the notations, references and other information shown thereon were all fully set forth or described in this Chapter. The map shall be on file with the Department of Zoning and Building.
- C. The various zones are defined as follows:

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1. Horizontal Zones - The land lying under the horizontal surface.

The horizontal surface is one hundred forty-seven (147) feet above the established airport elevation and the perimeter is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runways fifteen (15), thirty-three (33), three (3) and twenty-one (21) and connecting the adjacent arcs by lines tangent to those arcs. No structure or tree shall exceed one hundred forty-seven (147) feet above the established airport elevation in the horizontal zone, as depicted on the Davenport Municipal Airport Height Zoning Map.

2. Conical Zone - The land lying under a conical surface.

The conical surface extends outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet. No structure or tree in the conical zone shall penetrate the conical surface, as depicted on the Davenport Municipal Airport Height Zoning Map.

3. Approach Zone - The land lying under an approach surface.

The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface.

- a. The inner edge of the Approach Surface is:

- (1) Five hundred (500) feet wide for Runways three (3) and twenty-one (21);
- (2) One thousand (1,000) feet wide for Runways fifteen (15) and thirty-three (33).

- b. The outer edge of the approach surface is:

- (1) Three thousand five hundred (3,500) feet wide for Runways three (3), twenty-one (21) and thirty-three (33);
- (2) Sixteen thousand (16,000) feet wide for Runway fifteen (15).

- c. The approach surface extends for a horizontal distance of:

- (1) Ten thousand (10,000) feet at a slope of

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thirty-four to one (34:1) for Runways three (3), twenty-one (21) and thirty-three (33);

- (2) Ten thousand (10,000) feet wide at a slope of fifty to one (50:1) and then forty thousand (40,000) feet wide at a slope of forty to one (40:1) for Runway fifteen (15).

No structure or tree in the approach zone shall penetrate the approach surface to any runway, as depicted on the Davenport Municipal Airport Height Zoning Map.

4. Transitional Zone - The land lying under the transitional surface.

The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extended, at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces. The transitional surface begins at the side of and at the same elevation as the approach surfaces and extends upward and outward to the conical surface at a slope of seven to one (7:1); or, if outside the conical surface, it extends upward and outward a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline. No structure or tree in the transitional zone shall penetrate the transitional surface, as depicted on the Davenport Municipal Airport Height Zoning Map.

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- D. An existing or proposed structure or tree located in more than one of the zones is considered to be only in the zone with the more restrictive height limitation.
- E. Excepted Height Limitations - Nothing contained in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to thirty-five (35) feet above the surface of the land.

SEC. 7-5. NONCONFORMING USES

- A. This Chapter shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree, or to interfere with any existing use not conforming on the effective date of this Chapter, except that no nonconforming use shall be allowed to become a greater airport hazard than it was on the effective date of this Chapter.
- B. Nothing contained in this Chapter shall require any change in the construction or alteration of any structure, the construction or alteration of which was authorized by a permit dated prior to the effective date of this Chapter and is diligently prosecuted.
- C. The person owning any nonconforming structure or tree is hereby required to allow the installation, operation and maintenance thereon of markers and lights at the expense of the City of Davenport to indicate to the operators of aircraft the presence of airport hazards.
- D. If a nonconforming structure has been torn down, damaged, or has physically deteriorated to the extent of more than sixty-five percent (65%) of its value, no permit shall be issued for its restoration except in conformity to this Chapter.

SEC. 7-6. APPLICATIONS AND PERMITS

- A. Structures - An application for a building permit shall be made and a permit granted prior to the construction or locating of a new structure or the alteration of an existing structure within the airport hazard area. Applications shall indicate the purpose for which the permit is desired and have sufficient detail to determine if this Chapter will be violated. No permit for a new structure or a change in an existing structure which would be inconsistent with this Chapter shall be granted unless a variance has been obtained.
- B. Trees - A permit shall not be required for trees. The lack of a requirement for a permit for any tree shall not be

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construed as permitting or intending to permit the tree to eventually grow to a height inconsistent with this Chapter.

The owner of such a tree shall trim it as often as necessary in order to keep the tree from being in violation of this Chapter and the trimming shall be done at the owner's expense.

SEC. 7-7. ENFORCEMENT

It shall be the duty of the County Zoning Administrator official to administer and enforce this Chapter and to cooperate with the officials of neighboring municipalities in the review of any application for a variance submitted to the Davenport Airport Zoning Board of Adjustment.

SEC. 7-8. VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use the property in violation of this Chapter, and having been aggrieved or affected by any written decision of the County Zoning Administrator, may apply to the Davenport Airport Zoning Board of Adjustment for a variance in accordance with Chapter 329 of the 1989 Code of Iowa, as the same may be amended from time to time.

Applying for a variance shall be done by filing a notice of appeal specifying the grounds thereof. The notice of appeal shall be filed with the County Zoning Administrator within thirty (30) calendar days after receipt of the written decision.

Upon receipt of a notice of appeal, the County Zoning Administrator shall immediately transmit to the Chairman of the Airport Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. The chairman shall then set a meeting date for the Davenport Airport Zoning Board of Adjustment. The meeting date shall be within forty-five (45) calendar days of the date of the Notice of Appeal. Determinations from the Federal Aviation Administration and the Davenport Airport Manager, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of air space should be obtained. If such determinations are not available for the Davenport Airport Zoning Board of Adjustment meeting, the discussion of the appeal may be extended to a later date when the determinations are available, or a decision may be made without those determinations.

Any such variance granted may be subject to reasonable conditions, including, but not limited to, the right of the City of Davenport to install, operate and maintain at City expense such markers and lights thereon as may be necessary to indicate to the operators of aircraft the presence of a hazard.

SEC. 7-9. DAVENPORT AIRPORT ZONING BOARD OF ADJUSTMENT

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- A. There is hereby created Davenport Airport Zoning Board of Adjustment with the duties and powers, as provided by Chapter 329 of the 1989 Code of Iowa, as the same may be amended from time to time.
- B. The Davenport Airport Zoning Board of Adjustment shall consist of seven (7) members; two (2) residents of Davenport appointed by the Davenport City Council; two (2) residents of Eldridge appointed by the Eldridge City Council; two (2) residents of the unincorporated area appointed by the Scott County Board of Supervisors, and one (1) selected by the concurring vote of at least four (4) members of the members appointed to the Davenport Airport Zoning Board of Adjustment, who shall act as Chairman.

The terms of the members of the Davenport Airport Zoning Board of Adjustment shall be five (5) years, except that when the Airport Zoning Board of Adjustment is first created, one of the members appointed by Davenport, Eldridge, and Scott County shall be appointed for a term of two (2) years and one for a term of four (4) years. Members shall be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.

- C. The Davenport Airport Zoning Board of Adjustment shall adopt rules to govern its meetings. Such rules shall be in addition to, but not in conflict with, those in Chapters 414.9 and 358A.12 of the 1989 Code of Iowa, as the same may be amended from time to time; and such rules shall not be in conflict with this Chapter.

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- D. The concurring vote of four (4) members of the Davenport Airport Zoning Board of Adjustment shall be necessary to reverse or affirm, wholly or in part, or to modify any order, requirement, decision, or determination appealed from.

SEC. 7-10. MUNICIPAL INFRACTION

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.